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Las Vegas Sands Corp.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 LAS VEGAS SANDS CORP., a Nevada corporation,

COMPLAINT

11 Plaintiff, v.

12 FIRST CAGAYAN LEISURE & RESORT
13 CORPORATION, a foreign corporation, WANN
14 YICHEN, an individual, QING WAN LENG, an
15 individual, and UNKNOWN REGISTRANTS
16 OF WWW.358.COM, WWW.359.COM,
WWW.JS2255.COM, WWW.JS2299.COM,
WWW.JS33333.COM, JS55555.COM,
WWW.JINSHA.COM, WWW.1133JS.COM,
WWW.1166JS.COM, WWW.1177JS.COM,
WWW.1188JS.COM, and WWW.1199JS.COM,

Defendants.

19 || For its complaint, Las Vegas Sands Corp. alleges the following:

NATURE OF THE CASE

21 Plaintiff Las Vegas Sands Corp., a publicly traded Fortune 500 company, is the leading
22 global developer of destination properties that feature premium accommodations, world-class
23 gaming and entertainment, convention and exhibition facilities, celebrity chef restaurants, and
24 many other amenities.

25 Las Vegas Sands Corp. brings this action against the known and unknown registrants of
26 twenty six Internet domain names who are using Las Vegas Sands Corp.'s world famous
27 "Sands" trademark, Sunburst design, and "Jinsha" characters on websites to falsely affiliate
28 themselves with Las Vegas Sands Corp., to lure prospective gamblers to overseas online casinos.

1 and to unlawfully and in bad faith advertise, promote, and provide online casino services and
 2 gambling services.

3 In this action, Las Vegas Sands Corp. asserts claims for trademark infringement, false
 4 designation of origin, and dilution under the Lanham Act, 15 U.S.C. §§ 1114(a), 1125(a)(1)(A),
 5 and 1125(c), as well as claims for common law trademark infringement, common law unfair
 6 competition, and copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.* Las
 7 Vegas Sands Corp. seeks temporary, preliminary, and permanent injunctive relief, as well as
 8 damages, attorneys' fees, and costs.

9 **JURISDICTION AND VENUE**

10 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.
 11 §§ 1331 and 1338(a), because Plaintiff's claims arise under the laws of the United States,
 12 specifically, under the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a)(1)(A).

13 2. This Court has personal jurisdiction over Defendant under the effects test
 14 articulated by the United States Supreme Court in *Calder v. Jones*, 465 U.S. 783, 104 S. Ct.
 15 1482, 79 L. Ed. 2d 804 (1984). Defendants are intentionally using Plaintiff's famous and
 16 federally registered SANDS trademarks without Plaintiff's authorization, license, or consent, on
 17 websites that directly or indirectly provides Internet-based casino and gambling services.
 18 Defendants are using Plaintiff's federally registered trademarks in bad faith to falsely associate
 19 themselves with Plaintiff, to falsely suggest that Plaintiff approves or endorses Defendants'
 20 services, and to trade off of the substantial fame, goodwill, and consumer recognition Plaintiff
 21 has acquired in its trademarks through longstanding use in commerce, advertising, and
 22 substantial investment. Upon information and belief, the Defendants knew and have known at
 23 all times that Plaintiff is located in Las Vegas, Nevada, and that any injury Plaintiff would suffer
 24 resulting from Defendants' conduct would occur and be felt by Plaintiff in Las Vegas, Nevada.
 25 Upon information and belief, Defendants have expressly aimed and/or purposefully directed their
 26 tortious conduct at Plaintiff in Las Vegas, Nevada. Given the foregoing, the exercise of personal
 27 jurisdiction over the Defendants is reasonable.

28 3. Venue is proper in the United States District Court for the District of Nevada

1 under 28 U.S.C. § 1391(b), (c), and/or (d). Venue is proper in the unofficial Southern division of
 2 this Court.

3 **PARTIES**

4 4. Plaintiff Las Vegas Sands Corp. is a Nevada corporation with its principal place
 5 of business in Las Vegas, Nevada.

6 5. Defendant First Cagayan Leisure & Resort Corporation (“First Cagayan”) is a
 7 corporation duly organized and existing under the laws of the Republic of the Philippines. First
 8 Cagayan operates a website at www.firstcagayan.com. According to its website, “First Cagayan
 9 is at the forefront of the development of the gaming infrastructure in the [Cagayan Special
 10 Economic] Zone.” The Cagayan Special Economic Zone is located at the northeastern tip of the
 11 Philippines. First Cagayan’s website is registered to Bingo Bonanza Corporation. The
 12 “registrant email” address for the website listed in the publicly accessible WHOIS database of
 13 domain name registrants is: edlopez@bingob.com.

14 6. Defendant Wan Yichen (“Yichen”) is a citizen of China who lives in China.
 15 Yichen is the registrant of the following Internet domain names: www.jinsha1111.com,
 16 www.jinsha2222.com, www.jinsha3333.com, www.jinsha5555.com, www.jinsha6666.com,
 17 www.jinsha7777.com, www.1111js.com, www.2222js.com, www.3333js.com,
 18 www.66666js.com, www.88888js.com, and www.99999js.com. Yichen registered these domain
 19 names with eNom, Inc. (“eNom”).

20 7. Defendant Qing Wan Leng (“Leng”) is a citizen of China who lives in China.
 21 Leng is the registrant of Internet domain names: www.2089.com and www.6953.com. Leng
 22 registered these domain names with GoDaddy.com, Inc. (“GoDaddy”)

23 8. Defendants Unknown Registrants of www.358.com, www.359.com,
 24 www.js2255.com, www.js2299.com, www.js3333.com, js55555.com, www.jinsha.com,
 25 www.1133js.com, www.1166js.com, www.1177js.com, www.1188js.com, and
 26 www.1199js.com, are the persons and/or organizations who registered these domain names.
 27 Their identities are unknown because the domain names were registered using a “privacy
 28 protection” service offered by eNom, Inc. through its affiliate Whois Privacy Protection Service,

1 Inc. or by GoDaddy.com, Inc. through its affiliate DomainsByProxy, LLC. These companies
2 register domain names without listing the registrant's true name, email address, or contact
3 information in the publicly available "WHOIS" database of domain name registrants. Instead,
4 these companies submit "proxy" information to the WHOIS database to identify the registrant.
5 For example, the registrant of www.358.com is listed in the WHOIS database as "WHOIS
6 AGENT," the registrant organization is listed as "Whois Privacy Protection Service, Inc.," and
7 the registrant email address is listed as "dbmbdmmbvk@whoisprivacyprotect.com." Domain
8 name registrars typically forward emails sent to such proxy email addresses to the registrant of
9 the domain name by using the registrant's true email address, provided to the registrar at the time
10 of registration.

ALLEGATIONS COMMON TO ALL COUNTS

Las Vegas Sands Corp. and Its World Famous Trademarks

13 9. Las Vegas Sands Corp. is a world famous Fortune 500 company that is publicly
14 traded on the New York Stock Exchange. Las Vegas Sands Corp. was incorporated in Nevada in
15 2004. Las Vegas Sands Corp. is the leading global developer of destination properties that
16 feature premium accommodations, world-class gaming and entertainment, convention and
17 exhibition facilities, celebrity chef restaurants, and many other amenities. Las Vegas Sands
18 Corp.'s properties include The Venetian, The Palazzo and the Sands Expo and Convention
19 Center in Las Vegas, Nevada; the Sands Bethlehem in Bethlehem, Pennsylvania; the Sands
20 Macao, The Venetian Macao, the Four Seasons Hotel Macao, and the Sands Cotai Central in
21 Macao; and the Marina Bay Sands in Singapore.

22 10. The original Sands Hotel in Las Vegas, Nevada, became famous by, among
23 other things, attracting numerous celebrities and serving as the setting for several famous
24 Hollywood films, including the original “Ocean’s Eleven” movie. Since 1952, Las Vegas Sands
25 Corp.’s predecessors-in-interest and, since 2004, Las Vegas Sands Corp., have used the SANDS
26 trademark (in both standard character and stylized forms) to provide, among others, casino
27 services (*i.e.*, gambling and casino games).

28 | //

1 11. Also since 1952, Las Vegas Sands Corp.'s predecessors-in-interest and, since
 2 2004, Las Vegas Sands Corp., have used the Sunburst design alone or in combination with the
 3 SANDS mark in connection with casino services. The Sunburst design appears as follows:



4
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 6
 7
 8 12. As a result of its longstanding use of the SANDS trademark and Sunburst design
 9 in commerce, Las Vegas Sands Corp. has developed common law trademark rights in the
 10 SANDS trademark and Sunburst design for use in connection with, among others, casino
 11 services.

12 13. In addition to its common law rights, Las Vegas Sands Corp. owns several federal
 13 trademark registrations, including federal trademark registrations for the SANDS word mark and
 14 for the stylized SANDS design mark for use in connection with casino services:

Mark	Fed. Reg. No.	First Use	Goods and Services
	1,209,102	1/1/1952	"Entertainment services-namely, providing stage show, gambling and casino services . . ."
SANDS	3,734,615	12/31/1952	"[P]roviding casino and gaming services; providing casino and gambling facilities . . ."
	3,838,397	11/30/1996	"Casino services; gambling services; gaming services; Entertainment services in the nature of boxing contests and art exhibitions; arranging of seminars and conferences; educational demonstrations; rental of audio-visual equipment; rental of portable stages; rental of audio-visual equipment; preparation of special effects for trade show booths and exhibitions; entertainment, namely, lighting production."
SANDS	3,850,500	11/30/1996	"Casino services; gambling services; gaming services; entertainment services in the nature of boxing contests and art exhibition; arranging of seminars and conferences; educational demonstrations; rental of portable stages; rental of audio-visual equipment; preparation of special effects for trade

1			show booths and exhibitions; entertainment, namely, lighting production.”
2		3,504,043	10/01/2007
3			“Providing and rental of exhibition stands and booths including respective equipment; organizing exhibitions for commercial or advertising purposes; planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; consultation relating to trade fairs; rental of advertising space; rental of office machinery and equipment.”
4		3,930,913	4/9/2008
5			“Providing convention facilities; Resort hotels”
6			
7			
8			
9			
10			
11	SANDS	4,042,291	5/22/2009
12			“Hotel, restaurant, bar services, catering services, providing facilities for conventions, banquets, social functions, fund raising and special events.”

13 14. Las Vegas Sands Corp. also owns a Nevada state trademark registration for
 14 SANDS HOTEL & CASINO (Reg. No. TN00250422). (All of the aforementioned marks are
 15 collectively referred to herein as the “SANDS Marks”.) True and accurate copies of the
 16 registration certificates for the SANDS Marks are attached hereto as Exhibit A. None of the
 17 aforementioned federal and state trademark registrations have been abandoned, canceled, or
 18 revoked.

19 20. Las Vegas Sands Corp. uses the SANDS Marks in commerce in connection with
 advertising and promoting its resort hotel properties and its casino services in the United States
 21 and around the world.

22 23. Las Vegas Sands Corp. has spent millions of dollars to promote and advertise the
 SANDS Marks in print and broadcast media, and on the Internet, including through various
 24 websites, including those located at <lasvegassands.com>, <marinabaysands.com>;
 25 <pasands.com>; and <sandsexpo.com>.

26 27. Based on its federal and state trademark registrations, extensive use, and common
 law rights, Las Vegas Sands Corp. owns the exclusive right to use the SANDS Marks in
 28 commerce in connection with hotel, casino, and related services and goods.

1 18. The SANDS Marks have become distinctive and famous in the United States and
2 around the world for, among others, resort hotel and casino services.

3 19. In addition to the foregoing trademark rights, Las Vegas Sands Corp. is the owner
4 of all copyrights in and to the Sunburst design. Las Vegas Sands Corp.'s predecessors first
5 published the Sunburst design on December 15, 1952. Las Vegas Sands Corp. registered its
6 copyrights in the Sunburst design with the U.S. Copyright Office effective June 21, 2010, and
7 was granted U.S. Copyright Registration Certificate No. VA 1-724-059. A true and accurate
8 copy of Plaintiff's registration certificate is attached hereto as Exhibit B.

The Defendants' Infringing Conduct

10 20. The Defendants have set up a network of Chinese language Internet websites (all
11 of which are accessible to U.S. citizens) designed to drive Internet users to one or more online
12 casinos. These websites are located at twenty six Internet domains: www.358.com,
13 www.359.com, www.2089.com, www.6953.com, www.js2255.com, www.js2299.com,
14 www.js33333.com, www.js55555.com, www.jinsha.com, www.jinsha1111.com,
15 www.jinsha2222.com, www.jinsha3333.com, www.jinsha5555.com, www.jinsha6666.com,
16 www.jinsha7777.com, www.1133js.com, www.1166js.com, www.1177js.com,
17 www.1188js.com, www.1199js.com, www.1111js.com, www.22222js.com,
18 www.33333js.com, www.66666js.com, www.88888js.com, and www.99999js.com (collectively
19 the “Domains”).

20 21. Each of the Domains are using Las Vegas Sands Corp.'s world famous "Sands"
21 trademark, "Jinsha" characters, and Sunburst design on websites associated with the Domains to
22 falsely affiliate themselves with Las Vegas Sands Corp., to lure prospective gamblers to overseas
23 online casinos not owned, operated by, approved of, affiliated with, or sponsored by Las Vegas
24 Sands Corp., and to unlawfully and in bad faith advertise, promote, and provide online casino
25 services and gambling services.

26 22. The extent of the Defendants' network of domain names and gambling websites is
27 presently unknown. To date, however, Las Vegas Sands Corp. has discovered three "directory
28 sites." These sites are located at www.358.com, www.2089.com, and www.jinsha.com. Each of

1 these sites display a single webpage that prominently features the stylized SANDS design mark
 2 in bright yellow font centered at the top of the page. Each of these sites display a single webpage
 3 that prominently features the stylized SANDS design mark in bright yellow font centered at the
 4 top of the page, as well as “Jinsha” -- two Chinese characters coined by Las Vegas Sands Corp.
 5 to act as the Chinese language equivalent of the SANDS mark. Roughly translated, Jinsha
 6 means “golden sands” in Chinese. Jinsha appears on each of these sites to the immediate left of
 7 the SANDS mark in larger font. In addition, to the right of the SANDS mark, each of these three
 8 sites feature Las Vegas Sands Corp.’s Sunburst design in larger font:



19 23. Directly beneath the SANDS Marks and centered on the page, each of these three
 20 sites includes a table of domain names, as shown above. To the right of each domain name is a
 21 button that, when clicked, links to an online casino located at the domain name. The following
 22 table lists each directory site and the online casinos accessible from each such site:

www.358.com	www.2089.com	www.jinsha.com
www.js2299.com	www.359.com	www.359.com
www.js2255.com	www.66666js.com	www.22222js.com
www.1188js.com	www.1133js.com	www.33333js.com
www.1177js.com	www.88888js.com	www.1188js.com
www.1199js.com	www.6953.com	www.1199js.com
www.jinsha7777.com	www.99999js.com	www.js2255.com
www.1166js.com	www.jinsha3333.com	www.js2299.com
www.359.com	www.jinsha5555.com	www.js33333.com
www.jinsha6666.com	www.jinsha1111.com	www.11111js.com

	www.js55555.com	www.jinsha2222.com	www.1177js.com
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24. When an Internet user clicks on one of the links, his or her web browser is directed to the listed domain name, which is the homepage for an online casino. Each homepage prominently features Jinsha, the SANDS mark, and the Sunburst design, as well as an image of Las Vegas Sands Corp.'s Sands Macau Resort Hotel & Casino, as set forth below:



Additional screenshots are attached hereto as Exhibit C.

25. Displayed at the bottom and in the middle of each page in English are the words "First Cagayan leisure and Resort Corporation."

26. Other pages of the linked domains and their corresponding websites also prominently feature the SANDS mark, Jinsha, and the Sunburst design, and offer specific casino games such as, for example, "Keno," "3 Card Poker," "3 Card Poker Gold Series," "5 Reel Drive," "7 Oceans," "Aces & Faces Power Poker," "Atlantic City Blackjack," and "Baccarat." (*Id.*)

27. The linked domains and their corresponding websites permit gamblers to register, create individual financial accounts, and gamble by providing identifying information including, among other things, their credit card numbers and bank information.

28. Perhaps most troubling is that the linked domains and their corresponding

1 websites prominently feature the SANDS mark, the Jinsha mark, and the Sunburst design on
 2 their customer support pages, falsely creating an association or connection between Las Vegas
 3 Sands Corp. and the linked domains and their corresponding websites An image showing one
 4 such page is set forth below:



16 29. On or about January 10, 2014, Las Vegas Sands Corp. received an email from a
 17 person who claims to have been cheated by Defendants' casino. The email states:

18 I am playing the game at sands (www.358.com). (www.358.com) is cheating me.
 19 They do not pay money to me from 2014-1-8. They are cheats. I am very angry.
 My account name is myray. Please help me. I am in Shanghai, China.

20 30. Las Vegas Sands Corp. has not consented to, approved of, or authorized
 21 Defendants' use of the SANDS Marks, the Jinsha mark, or the Sunburst design in connection
 22 with www.358.com, www.2089.com, www.jinsha.com, or any other Internet domain or website.

23 31. The SANDS Marks, the Sunburst design and trademark, and the Jinsha trademark
 24 are embodiments of the substantial goodwill and excellent reputation Las Vegas Sands Corp. and
 25 its predecessors have developed since 1952 as a premier provider of entertainment and casino
 26 services. As a result of the Defendants' blatant exploitation of Las Vegas Sands Corp.'s
 27 trademarks and copyrights without Las Vegas Sands Corp.'s consent, Las Vegas Sands Corp. has
 28 lost control over the SANDS Marks, the Sunburst design and trademark, and the Jinsha mark.

1 This loss of control over its goodwill and reputation is irreparable and Las Vegas Sands Corp.
2 cannot be adequately compensated by an award of money damages alone. As just one example
3 makes clear, while Las Vegas Sands Corp. is a strong supporter of the Coalition to Stop Internet
4 Gambling, and is presently engaged in publicity and lobbying campaigns aimed at defeating
5 measures that would legalize Internet gambling in the United States and elsewhere, the
6 Defendants' use of the SANDS Marks on the homepages of online casinos, even though
7 unauthorized by Las Vegas Sands Corp., threatens to dilute and detract from Las Vegas Sands
8 Corp.'s message and its efforts to stop the proliferation of online gambling.

9 32. Accordingly, the Defendants' actions have caused and are likely to continue to
10 cause Las Vegas Sands Corp. to suffer irreparable harm and injury unless temporarily,
11 preliminarily, and permanently enjoined by the Court.

COUNT I

(Trademark Infringement under
the Lanham Act, 15 U.S.C. § 1114(a))

14 33. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
15 forth herein.

16 34. The Defendants have adopted and begun using the SANDS mark in U.S.
17 commerce. In addition to their adoption and use of the SANDS mark in U.S. commerce, the
18 Defendants' use of the SANDS mark has had or is likely to have an effect on U.S. foreign
19 commerce that is sufficiently great to injure Plaintiff, and the interests of and links to U.S.
20 foreign commerce are sufficiently strong in relation to those of other nations to justify the
21 extraterritorial application of the Lanham Act.

22 35. The Defendants' unauthorized use of the SANDS mark on the directory sites and
23 on each of the linked domain names and corresponding casino websites constitutes a
24 reproduction, copying, counterfeiting, and colorable imitation of the SANDS Marks in a manner
25 that is likely to cause confusion or mistake or is likely to deceive consumers.

26 36. The Defendants' unauthorized use of the SANDS mark on the directory sites and
27 on each of the linked domain names and corresponding casino websites is likely to cause initial
28 interest confusion by diverting Internet users away from Plaintiff's websites to Defendants'

1 || websites.

2 37. As a direct and proximate result of Defendants' infringement, Plaintiff has
3 suffered, and will continue to suffer, monetary loss and irreparable injury to its business,
4 reputation, and goodwill.

COUNT II

(False Designation of Origin under
the Lanham Act, 15 U.S.C. § 1125(a)(1)(A))

7 38. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
8 forth herein.

9 39. The Defendants have adopted and begun using the SANDS mark in U.S.
10 commerce. In addition to their adoption and use of the SANDS mark in U.S. commerce, the
11 Defendants' use of the SANDS mark has had or is likely to have an effect on U.S. foreign
12 commerce that is sufficiently great to injure Plaintiff, and the interests of and links to U.S.
13 foreign commerce are sufficiently strong in relation to those of other nations to justify the
14 extraterritorial application of the Lanham Act.

15 40. The Defendants' use of the SANDS mark is likely to cause confusion, cause
16 mistake, or deceive as to an affiliation, connection, or association between Plaintiff and
17 Defendants, or as to the origin, sponsorship, or approval of Defendants' services or commercial
18 activities by Plaintiff.

19 41. As a direct and proximate result of Defendants' false designation of origin,
20 Plaintiff has suffered, and will continue to suffer, monetary loss and irreparable injury to its
21 business, reputation, and goodwill.

COUNT III

(Trademark Dilution under the Lanham Act, 15 U.S.C. § 1125(c))

24 42. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
25 forth herein.

26 43. The SANDS mark is famous within the meaning of the Federal Trademark
27 Dilution Act.

44. The Defendants have adopted and begun using the SANDS mark in U.S.

1 commerce. In addition to their adoption and use of the SANDS mark in U.S. commerce, the
2 Defendants' use of the SANDS mark has had or is likely to have an effect on U.S. foreign
3 commerce that is sufficiently great to injure Plaintiff, and the interests of and links to U.S.
4 foreign commerce are sufficiently strong in relation to those of other nations to justify the
5 extraterritorial application of the Lanham Act.

6 45. The Defendants' use of Plaintiff's SANDS mark has, at all times, been willful,
7 deliberate, and intentional. The Defendants' use of Plaintiff's SANDS mark in commerce was
8 designed to usurp and wrongfully trade off of the substantial investment and goodwill Plaintiff
9 has developed in its SANDS Marks.

10 46. The SANDS mark used by Defendants' on each of the websites corresponding to
11 the domain names identified above is identical or confusingly similar to Plaintiff's SANDS
12 mark.

13 47. The Defendants' adoption and use in commerce of Plaintiff's SANDS mark began
14 after Plaintiff's SANDS mark became famous.

15 48. The Defendants' unauthorized adoption and use in commerce of a mark that is
16 identical to or confusingly similar to Plaintiff's SANDS mark is likely to dilute the
17 distinctiveness of Plaintiff's SANDS mark within the meaning of the Federal Trademark
18 Dilution Act.

19 49. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered,
20 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
21 goodwill.

COUNT IV
(Common Law Trademark Infringement)

23 50. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
24 forth herein.

25 51. Plaintiff has been using the SANDS mark and the Sunburst design in commerce
26 in connection with entertainment, casino services, and gambling since at least as early as 1952.
27 Plaintiff's use of the SANDS mark and the Sunburst design in commerce predates Defendants'
28 use of the SANDS mark and the Sunburst design in commerce by decades.

1 52. Given Plaintiff's longstanding use of the SANDS mark and the Sunburst design
2 in connection with entertainment, casino services, and gambling, and the Defendants' use of
3 Plaintiff's SANDS mark and the Sunburst design in connection with the advertising, promotion,
4 and operation of online casinos accessible from the United States, the Defendants' use of the
5 SANDS mark and the Sunburst design on Internet casino websites constitutes a reproduction,
6 copying, counterfeit, and/or colorable imitation of Plaintiff's SANDS mark and the Sunburst
7 design in a manner that is likely to cause confusion or mistake or that is likely to deceive
8 consumers.

9 53. The Defendants' use of Plaintiff's SANDS mark and the Sunburst design in
10 commerce has, at all times, been willful, deliberate, and intentional. The Defendants' use of
11 Plaintiff's SANDS mark and the Sunburst design in commerce was designed to usurp and
12 wrongfully trade off of the substantial investment and goodwill Plaintiff has developed in the
13 SANDS mark and the Sunburst design.

14 54. The Defendants' use of Plaintiff's SANDS mark and the Sunburst design in
15 commerce constitutes common law trademark infringement.

16 55. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered,
17 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
18 goodwill.

COUNT V
(Common Law Unfair Competition)

20 56. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set
21 forth herein.

22 57. Plaintiff has used its SANDS mark and the Sunburst design for decades to
23 identify its entertainment, casino, and gambling services and to distinguish them from those
24 offered and sold by others, by, among other things, prominently displaying the SANDS mark and
25 the Sunburst design in connection with such services.

26 58. Plaintiff has prominently displayed its SANDS mark and the Sunburst design on
27 the exteriors of its casinos and outdoor signage, within its casinos, on billboards, on letterhead,
28 on bills, in direct mail advertisements, in print ads, in television advertising, and in periodicals

1 distributed throughout the United States, and has used its SANDS mark and the Sunburst design
2 in connection with its own Internet domain names and websites.

3 59. Plaintiff's goods, services, and advertising have been distributed and offered
4 worldwide, including in the United States, in China, and on the Internet, where Defendants are
5 doing business.

6 60. As a result of Plaintiff's sales and advertising under its SANDS mark and the
7 Sunburst design and as a result of its use of the SANDS mark and the Sunburst design in
8 connection with Internet domain names and websites, Plaintiff's SANDS mark and the Sunburst
9 design have developed and acquired a secondary and distinctive trademark meaning to
10 purchasers in Defendants' trading area.

11 61. Plaintiff's SANDS mark and the Sunburst design have come to indicate to
12 consumers of entertainment, casino, gambling, and other goods and services, a meaning of high
13 quality originating only with Plaintiff.

14 62. As a result of the association by purchasers of the SANDS mark and the Sunburst
15 design with Plaintiff, Defendants' use of the SANDS mark and the Sunburst design is likely to
16 confuse such purchasers.

17 63. The Defendants' use of Plaintiff's SANDS mark and the Sunburst design in
18 commerce has, at all times, been willful, deliberate, and intentional. The Defendants' use of
19 Plaintiff's SANDS mark and the Sunburst design in commerce was designed to usurp and
20 wrongfully trade off of the substantial investment and goodwill Plaintiff has developed in its
21 SANDS mark and the Sunburst design.

22 64. The Defendants' use of the SANDS mark and the Sunburst design constitutes
23 unfair competition under the common law.

24 65. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered,
25 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and
26 goodwill.

Count VI
(Copyright Infringement - 17 U.S.C. § 101 *et seq.*)

28 | 66. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set

1 forth herein.

2 67. The Defendants have infringed Plaintiff's copyrights in the Sunburst design by
 3 reproducing and publicly displaying the Sunburst design on websites located at the following
 4 domains without Plaintiff's authorization, license, or consent: www.358.com, www.359.com,
 5 www.2089.com, www.6953.com, www.js2255.com, www.js2299.com, www.js3333.com,
 6 js55555.com, www.jinsha.com, www.jinsha1111.com, www.jinsha2222.com,
 7 www.jinsha3333.com, www.jinsha5555.com, www.jinsha6666.com, www.jinsha7777.com,
 8 www.1133js.com, www.1166js.com, www.1177js.com, www.1188js.com, www.1199js.com,
 9 www.11111js.com, www.22222js.com, www.33333js.com, www.66666js.com,
 10 www.88888js.com, and www.99999js.com.

11 68. The Defendants' infringement of Plaintiff's copyrights has, at all times, been
 12 willful, intentional, purposeful, and in disregard of and with indifference to Plaintiff's rights.

13 69. The Defendants profited and continue to profit from their infringement of
 14 Plaintiff's copyrights in the form revenues received from their online casinos and/or revenues
 15 received from the direction of Internet traffic to their online casinos.

16 70. As a direct and proximate result of the Defendants' infringement of Plaintiff's
 17 exclusive rights in the Sunburst design, Plaintiff is entitled to actual damages, including
 18 Defendants' profits attributable to the infringement, as will be proven at trial. Alternatively, at
 19 Plaintiff's election, Plaintiff is entitled to maximum statutory damages, in the amount of
 20 \$150,000 or such other amounts as may be just and appropriate under 17 U.S.C. § 504(c).

21 71. Plaintiff is also entitled to its costs, including reasonable attorneys' fees, pursuant
 22 to 17 U.S.C. § 505.

23 72. The Defendants' conduct is causing and, unless enjoined by this Court, will
 24 continue to cause Plaintiff great and irreparable injury that cannot be fully compensated or
 25 measured by an award of money damages. Plaintiff has no adequate remedy at law. Pursuant to
 26 17 U.S.C. § 502, Plaintiff is entitled to a temporary, preliminary, and permanent injunctive relief
 27 prohibiting the infringement of Plaintiff's copyrights.

28 ///

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

3 A. An order granting Plaintiff leave to serve subpoenas upon eNom, Inc. and Whois
4 Privacy Protection Service, Inc., for the purpose of identifying the presently unknown registrants
5 of the www.358.com and www.359.com domain names, and permitting Plaintiff to serve the
6 Summons, Complaint, and all other papers upon such registrants by email to the registrant email
7 address currently listed in the WHOIS database for each domain or to the email address provided
8 by each such registrant to eNom, Inc. and/or Whois Privacy Protection Service, Inc. in
9 connection with the registration of the domain names;

10 B. An order granting Plaintiff leave to serve subpoenas upon GoDaddy.com, Inc. and
11 DomainsByProxy, LLC, for the purpose of identifying the presently unknown registrants of the
12 www.js2255.com, www.js2299.com, www.js33333.com, js55555.com, www.jinsha.com,
13 www.1133js.com, www.1166js.com, www.1177js.com, www.1188js.com, and www.1199js.com
14 domain names, and permitting Plaintiff to serve the Summons, Complaint, and all other papers
15 upon such registrants by email to the registrant email address currently listed in the WHOIS
16 database for each domain or to the email address provided by each such registrant to GoDaddy
17 and/or DomainsByProxy, LLC in connection with the registration of the domain names;

18 C. An order permitting Plaintiff to serve the Summons, Complaint, and all other
19 papers upon Defendants First Cagayan, Yichen, and Leng by email to the email addresses they
20 provided to GoDaddy.com, Inc. and/or eNom, Inc. in connection with the registration of their
21 respective domain names;

22 D. A temporary, preliminary, and permanent injunction prohibiting the Defendants
23 and their respective officers, agents, servants, employees, and/or all other persons acting in
24 concert or participation with Defendants, from: (1) using the SANDS mark, the Sunburst design,
25 Jinsha, or any confusingly similar variations thereof, alone or in combination with any other
26 letters, words, letter string, phrases or designs in commerce, including, without limitation, on any
27 website, in any domain name, in any social network user name, in any hidden website text, or in
28 any website metatag; and (2) engaging in false or misleading advertising or commercial activities

1 likely to deceive consumers into believing that any Defendant is the Plaintiff or that any
2 Defendant's services are associated or affiliated with, connected to, or approved sponsored by
3 the Plaintiff;

4 E. An order requiring domain name registrars eNom, Inc., and GoDaddy.com, Inc.,
5 and/or VeriSign, Inc. (the .com domain name registry) to immediately remove or disable the
6 current domain name server information for the: www.358.com, www.359.com, www.2089.com,
7 www.6953.com, www.js2255.com, www.js2299.com, www.js33333.com, js55555.com,
8 www.jinsha.com, www.jinsha1111.com, www.jinsha2222.com, www.jinsha3333.com,
9 www.jinsha5555.com, www.jinsha6666.com, www.jinsha7777.com, www.1133js.com,
10 www.1166js.com, www.1177js.com, www.1188js.com, www.1199js.com, www.11111js.com,
11 www.22222js.com, www.33333js.com, www.66666js.com, www.88888js.com, and
12 www.99999js.com domain names, and place the domain names on hold and lock pending further
13 order of the Court;

14 F. An award of compensatory, consequential, statutory, and/or punitive damages to
15 Plaintiff in an amount to be determined at trial;

16 G. An award of interest, costs and attorneys' fees incurred by Plaintiff in prosecuting
17 this action; and

H. All other relief to which Plaintiff is entitled.

19 Dated: this 20th day of March, 2014

Respectfully submitted,

21 LEWIS ROCA ROTHGERBER LLP

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